

another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12866.

#### List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 11, 1994.

Douglas D. Camp,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In §180.434, by adding a new paragraph (c) to read as follows:

§180.434 1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole; tolerances for residues.

(c) Tolerances limited by an expiration date are established for residues of 1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites determined as 2,4-dichlorobenzoic acid and expressed as parent compound, in or on the following raw agricultural commodities:

Commodity	Parts per million	Expiration Date
Corn, fodder	12	12/31/98
Corn, forage	12	12/31/98
Corn, grain	0.1	12/31/98
Corn, sweet (kernels, plus cobs with husks removed)	0.1	12/31/98
Pineapple	0.1	12/31/98
Pineapple, fodder	0.1	12/31/98

[FR Doc. 94-9297 Filed 4-20-94; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 97

[PR Docket No. 93-85; FCC 94-76]

#### Amendment of Part 97 of the Commission's Rules Concerning Message Forwarding Systems in the Amateur Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This action amends the rules for the amateur service to enable contemporary message forwarding systems to operate at high speed while retaining the absolute minimum safeguards to prevent misuse. This amendment was necessary to resolve six petitions that asked for amendment of §97.103(a) of the Commission's Rules. To comply with the former rule, the control operator of every forwarding station was required to review each message for improper content prior to its retransmission. The Commission found this message content review was unnecessary and resulted in system delays. The intended effect of the final rule is to relieve control operators of intermediate forwarding stations, other than the first forwarding station, from accountability when their stations retransmit improper communications inadvertently.

**EFFECTIVE DATE:** June 1, 1994.

#### FOR FURTHER INFORMATION CONTACT:

William T. Cross, Federal Communications Commission, Private Radio Bureau, Personal Radio Branch, Washington, DC 20554, (202) 632-4964.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, adopted March 30, 1994, and released April 13, 1994. The complete text of this action is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 239) 1919 M Street, NW., Washington, DC. The complete text of this action, including the rule amendments, may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

#### Summary of Report and Order

1. The rules for the amateur service have been amended to accommodate the thousands of amateur operators who voluntarily link their individually-licensed very high frequency (VHF) stations together to form easily-accessible *ad hoc* message forwarding

systems. Currently, the control operator of each station is held individually accountable for each message the station retransmits, thereby resulting in repetitive message content review and in system delays. This amendment will relieve the control operators of all but the originating and first forwarding station of the need to review the content of every message.

2. The amateur service community stated that it generally desired relaxation of the present rules that apply to control operator responsibility to accommodate amateur stations operated in contemporary high speed message forwarding systems. We are amending the rules, therefore, to hold accountable only the licensee of the station originating a message and the licensee of the first station forwarding a message in a high speed message forwarding system. To comply with the revised rules, the licensee of the first forwarding station must either authenticate the identity of the station from which it accepts communications on behalf of the system, or accept accountability for the content of the message. The Commission specifically noted that there is no central supervisory authority in an *ad hoc* amateur service digital network, and that the vulnerability of an unsupervised system can make it an easy target for misuse by uncooperative operators and non-licensees. The Commission also observed that it can be difficult to establish after the fact that a particular VHF station originated a fleeting high speed digital transmission. For these reasons, it concluded there must be on-going oversight of these systems. It also found the control operators of the first forwarding stations are in the best position to provide such oversight because their stations accept, on behalf of the system, messages from originating stations.

3. The rules are set forth at the end of this document.

4. The rules contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements and will not increase or decrease burden hours imposed on the public.

5. This Report and Order is issued under the authority of sections 301, 303(l)(1) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 301, 303(l)(1) and (r).

#### List of Subjects in 47 CFR Part 97

Communications equipment, Radio. Reporting and recording requirements.



Federal Communications Commission,  
William F. Caton,  
Acting Secretary.

## Rule Changes

Part 97 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

### Part 97—Amateur Radio Service

1. The authority citation for Part 97 continues to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. §§ 151–155, 301–609, unless otherwise noted.

2. Section 97.3 is amended by redesignating paragraphs (a)(28) through (a)(44) as paragraphs (a)(29) through (a)(45), respectively, adding a new paragraph (a)(28), and revising paragraph (a)(7) and redesignated paragraph (a)(36) to read as follows:

#### § 97.3 Definitions.

(a) \* \* \*

(7) *Auxiliary station.* An amateur station, other than in a message forwarding system, that is transmitting communications point-to-point within a system of cooperating amateur stations.

(28) *Message forwarding system.* A group of amateur stations participating in a voluntary, cooperative, interactive arrangement where communications are sent from the control operator of an originating station to the control operator of one or more destination stations by one or more forwarding stations.

(36) *Repeater.* An amateur station that simultaneously retransmits the transmission of another amateur station on a different channel or channels.

3. Section 97.109(e) is revised to read as follows:

#### § 97.109 Station control.

(e) No station may be automatically controlled while transmitting third party communications, except a station participating as a forwarding station in a message forwarding system.

4. Section 97.205 is amended by adding new paragraph (g) to read as follows:

#### § 97.205 Repeater station.

(g) The control operator of a repeater that retransmits inadvertently communications that violate the rules in this Part is not accountable for the violative communications.

#### § 97.216 [Redesignated as § 97.217]

5. Section 97.216 is redesignated as Section 97.217.

6. Section 97.219 is added to read as follows:

#### § 97.219 Message forwarding system.

(a) Any amateur station may participate in a message forwarding system, subject to the privileges of the class of operator license held.

(b) For stations participating in a message forwarding system, the control operator of the station originating a message is primarily accountable for any violation of the rules in this Part contained in the message.

(c) Except as noted in (d) of this section, for stations participating in a message forwarding system, the control operators of forwarding stations that retransmit inadvertently communications that violate the rules in this Part are not accountable for the violative communications. They are, however, responsible for discontinuing such communications once they become aware of their presence.

(d) For stations participating in a message forwarding system, the control operator of the first forwarding station must:

(1) Authenticate the identity of the station from which it accepts communications on behalf of the system; or

(2) Accept accountability for any violation of the rules in this Part contained in messages it retransmits to the system.

[FR Doc. 94-9483 Filed 4-20-94; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1501, 1502, 1503, 1506, 1509, 1510, 1514, 1515, 1516, 1517, 1522, 1530, 1531, 1532, 1533, 1536, 1542, 1545, and 1552

[FRL-4876-1]

### Acquisition Regulation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule makes numerous administrative changes to the Environmental Protection Agency (EPA) Acquisition Regulation (EPAAR). These changes modify existing review and approval levels for various contract actions and modify the dollar threshold for internal review of contract actions. This revision also includes a

streamlining of the regulations for establishing the EPA Architect-Engineer Evaluation Board. These changes will expedite the processing of contract actions while still ensuring proper administrative review, and are based on a reorganization of the major contracting activities within the Agency.

EFFECTIVE DATE: April 21, 1994.

#### FOR FURTHER INFORMATION CONTACT:

Frances Smith, Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street, SW., Washington, DC 20460. Telephone: (202) 260-9948.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The Federal Acquisition Regulation (FAR) requires Federal agencies to publish review and approval levels for various contract actions as part of the Agency's regulations supplementing the FAR. At EPA, these review and approval levels are contained in the EPAAR. The EPA Office of Acquisition Management (OAM) has reorganized and established six Division Director positions reporting directly to the Head of the Contracting Activity (HCA). These revisions to the EPAAR define the position of Division Director as the newly-designated Chiefs of the Contracting Office (CCO), and modify review and approval levels in the EPAAR, primarily to delegate authority from the HCA to the CCO. Additionally, these revisions modify the dollar thresholds for internal review of contract actions. Finally, this revision includes a streamlining of the regulations for establishing the EPA Architect-Engineer Evaluation Board. These changes will expedite the processing of contract actions while ensuring proper administrative review.

##### B. Executive Order 12866

This is not a significant regulatory action under Executive Order 12866; therefore, no review is required by the Office of Information and Regulatory Affairs.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements for the approval of OMB under 44 U.S.C. 3501 *et seq.*

##### D. Regulatory Flexibility Act

The EPA certifies that this rule does not exert a significant economic impact on a substantial number of small entities. The rule merely revises EPA's internal review and approval procedures. The rule has no substantive



impact on the EPA Source Selection Procedures in 48 CFR subpart 1515.6.

#### E. Public Comments

The EPA has not solicited public comments on this final rule since it does not have a significant cost or administrative impact on contractors or offerors.

**List of Subjects in 48 CFR Parts 1501, 1502, 1503, 1506, 1509, 1510, 1514, 1515, 1516, 1517, 1522, 1530, 1531, 1532, 1533, 1536, 1542, 1545, and 1552**

General, Definition of Words and Terms, Improper Business Practices and Personal Conflicts of Interest, Competition Requirements, Contractor Qualifications, Specifications, Standards, and Other Purchase

Descriptions, Sealed Bidding, Contracting By Negotiation, Types of Contracts, Special Contracting Methods, Application of Labor Laws to Government Acquisitions, Cost Accounting Standards, Contract Cost Principles and Procedures, Contract Financing, Protests, Disputes, and Appeals, Construction and Architect-Engineer Contracts, Contract Administration, Government Property, Solicitation Provisions and Contract Clauses.

Dated: April 6, 1994.

**Betty L. Bailey,**

*Director, Office of Acquisition Management.*

For the reasons set out in the preamble, Chapter 15 of Title 48 Code

of Federal Regulations is amended as follows:

1. The authority citation for 48 CFR parts 1501, 1502, 1503, 1506, 1509, 1510, 1514, 1515, 1516, 1517, 1522, 1530, 1531, 1532, 1533, 1536, 1542, 1545, and 1552 continues to read as follows:

**Authority:** Sec. 205(c), 63 Stat. 390 as amended, 48 U.S.C. 486(c).

2. In the list below, for each citation listed in the left column, remove the wording indicated in the middle column and replace it with the wording indicated in the right column.

Citation	Remove	Replace with
1501.301	Director, Office of Administration	Director, Office of Acquisition Management.
1501.602-3(c)(2)	Responsible Procurement and Contracts Management Division (PCDM) Associate Director.	Chief of the Contracting Office.
1501.602-3(c)(3)	Responsible PCMD Associate Director	Chief of the Contracting Office.
1503.301	Responsible Associate Director (RAD)	Chief of the Contracting Office (CCO).
1503.408-1	RAD	CCO.
1503.409	RAD	CCO.
1503.502	RAD	CCO.
1506.202	Responsible Associate Director (RAD)	CCO.
1509.170-4(b)(1)	Contracts Management Division	Policy Training and Oversight Division (PTOD), Office of Acquisition Management, 3802F.
1509.170-4(b)(2)	Quality Assurance Section, Procurement and Contracts Management Division.	Quality Assurance Branch, Office of Management, 3802F.
1509.170-4(b)(3)	Quality Assurance Section, Procurement and Contracts Management Division.	Quality Assurance Branch, Office of Acquisition Management, 3802F.
1509.170-4(d)	Quality Assurance Section, PCMD	Quality Assurance Branch, Office of Acquisition Management.
1509.170-4(e)	Quality Assurance Section, Procurement and Contracts Management Division.	Quality Assurance, Office of Acquisition Management.
1509.170-4(f)	Quality Assurance Section	Quality Assurance Branch, Office of Acquisition Management.
1509.506(b)	Director, Office of Administration	Quality Assurance Branch, Office of Acquisition Management.
1510.007	Responsible Associate Director (RAD)	CCO.
1514.201-7	Responsible Associate Director (RAD)	CCO.
1514.404-1	RAD	CCO.
1515.604(a)	Chief of the Contracting Activity (CCO)	Contracting Officer.
1515.608(e)	Head of the Contracting Activity	CCO.
1515.609(b)	(\$25,000,000 for Superfund)	(\$25,000,000 for ADP and Superfund).
1515.610-70(b)	Procurement and Contracts Management Division.	Office of Acquisition Management.
1515.612(a)(1) introductory text	(\$25,000,000 for Superfund)	(\$25,000,000 for ADP and Superfund).
1515.612(a)(1)(i)	RAD	CCO.
1515.612(a)(1)(ii)	Chief of the Contracting Office (CCO) or, in his/her absence, the Acting CCO.	Branch Chief or as otherwise designated by the CCO.
1515.612(a)(2) introductory text	(\$25,000,000 or less for Superfund)	(\$25,000,000 or less for ADP and Superfund).
1515.804-3	Responsible Associate Director (RAD)	CCO.
1515.902(c)	RAD	CCO.
1515.1003	CCO	Contracting Officer.
1516.404-276(a) introductory text	Responsible Associate (RAD)	CCO.
1516.404-277 introductory text	RAD	CCO.
1516.603-3	RAD	CCO.
1517.202(a)	Responsible Associate Director (RAD)	CCO.
11522.608-4	Responsible Associate Director (RAD)	CCO.
11522.803	RAD	CCO.
11522.1306	RAD	CCO.
11522.1403	RAD	CCO.
11530.304	Responsible Associate Director (RAD)	CCO.
11531.101	Procurement Policy Staff	Procurement Policy Branch.



Citation	Remove	Replace with
11532.102	Responsible Associate Director (RAD)	CCO.
11533.209	Responsible Associate Director (RAD)	CCO.
11533.212(a)(3)	Responsible Associate Director (RAD)	CCO.
	Policy and Quality Assurance Branch	Quality Assurance Branch.
	Procurement and Contracts Management Division.	Office of Acquisition Management.
11533.212(b)(4)	Procurement and Contracts Management Division.	Office of Acquisition Management.
11536.201(d)	Quality Assurance Section, Procurement and Contracts Management Division.	Quality Assurance Branch, Office of Acquisition Management.
11536.201(e)	Quality Assurance Section	Quality Assurance Branch.
11536.209(c)	Responsible Associate Director (RAD)	CCO.
11536.602-4	RAD	CCO.
11542.705-1(a)	Cost Policy and Rate Negotiation Section (CPRN).	Cost Policy and Rate Negotiation Branch (CPRN).
	Procurement and Contracts Management Division.	Office of Acquisition Management.
11542.705-1(b)(1)(i)	Cost Policy and Rate Negotiation Section (CPRN).	Cost Policy and Rate Negotiation Branch (CPRN).
11542.708(c)	Cost Policy and Rate Negotiation Section (CPRN).	Cost Policy and Rate Negotiation Branch (CPRN).
	Procurement and Contracts Management Division.	Office of Acquisition Management.
11542.1202(a)	Procurement and Contracts Management Division (PCMD).	Policy, Training and Oversight Division (PTOD).
11542.1202(b)	Procurement Policy Staff, PCMD	Procurement Policy Branch, Policy, Training and Oversight Division (PTOD).
11542.1203(c)	Procurement and Contracts Management Division.	Policy, Training and Oversight Division.
11545.403	Responsible Associate Director (RAD)	CCO.
11552.242-70(a)	Cost Policy and Rate Negotiation Section, (PM-214F), Procurement and Contracts Management Division.	Cost Policy and Rate Negotiation Branch, (3804F), Cost Advisory and Financial Analysis Division.

3. Subpart 1502.1 is revised to read as follows:

#### Subpart 1502.1—Definitions

**Chief of the Contracting Office (CCO)** means the Office of Acquisition Management Division Directors at Headquarters, Research Triangle Park and Cincinnati.

**Head of the Contracting Activity (HCA)** means the Director, Office of Acquisition Management.

**Legal Counsel** means those attorneys assigned to the Contracts Law Branch and the Research Triangle Park General Counsel Branch, Office of the General Counsel and designated by the Assistant General Counsel as Contract Law Specialists.

**Procurement Executive (PE)** means the Director, Office of Acquisition Management.

4. Section 1536.602-2 is revised to read as follows:

#### 1536.602-2 Establishment of evaluation boards.

(a) The Environmental Protection Agency Architect-Engineer Evaluation Board is established as a central permanent Board located at Headquarters EPA under authority delegated to the Director, Office of Acquisition Management. The Board

shall perform all architect-engineer evaluations on an agency-wide basis. The Agency Board shall be composed of not less than three nor more than five voting members and one non-voting advisory member from the contracting office. The following constitutes the minimum composition of the Architect-Engineer Evaluation Board:

(1) **Member and Chairperson.** Chief, Engineering, Planning, and Architecture Branch, Facilities Management and Services Division or his/her designee;

(2) **Member.** A professional engineer or architect from EPA to be designated by the Chairperson;

(3) **Member.** A program official initiating the requirement or a designated representative; and

(4) **Advisory Member.** A Contracting Officer or his/her representative.

(b) The Chief of the Contracting Office (CCO) is delegated the authority to appoint either one or two additional voting members as may be appropriate for a particular project.

(c) In the event of an emergency or extended absence, a member may designate, in writing, with the concurrence of the Chairperson, an alternate experienced in architecture, engineering, or construction to serve in his/her absence.

(d) The duties of the advisory member shall include, but not be limited to, the following:

(1) Assuring that the criteria set forth in the public notice are applied in the evaluation process; and

(2) Assuring that actions taken during the evaluation process do not compromise subsequent procurement actions.

[FR Doc. 94-9667 Filed 4-20-94; 8:45 am]  
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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 662

[Docket No. 940123-4023; ID.# 121493B]

RIN 0648-AG03

##### Northern Anchovy Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to change the administrative procedure for